

SURFACE TRANSPORTATION BOARD

STB Ex Parte No. 647

CLASS EXEMPTION FOR EXPEDITED ABANDONMENT PROCEDURE
FOR CLASS II AND CLASS III RAILROADS

Decided: August 3, 2004

On May 15, 2003, sixty-five short-line and regional carriers (petitioners)¹ filed a petition to institute a proceeding under 49 U.S.C. 10502 to exempt a class of small carriers from the prior approval abandonment requirements of 49 U.S.C. 10903. Petitioners included a detailed proposal including revised rules for 49 CFR 1152.50 (exempt abandonments) and 1152.27 (offers of financial assistance).

¹ The sixty-five carriers are: Allegheny & Eastern Railroad, Inc.; Bradford Industrial Rail, Inc.; Buffalo & Pittsburgh Railroad, Inc.; Carolina Coastal Railway, Inc.; Commonwealth Railway, Inc.; Chicago SouthShore & South Bend Railroad; Chattahoochee & Gulf Railroad Co., Inc.; Connecuh Valley Railroad Co., Inc.; Corpus Christi Terminal Railroad, Inc.; The Dansville & Mount Morris Railroad Company; Eastern Idaho Railroad, Inc.; Genesee & Wyoming Railroad Company; Golden Isles Terminal Railroad, Inc.; H&S Railroad Co., Inc.; Illinois Indiana Development Company, LLC; Illinois & Midland Railroad Company, Inc.; Kansas & Oklahoma Railroad, Inc.; Knoxville & Holston River Railroad Co., Inc.; Lancaster and Chester Railway Company; Laurinburg & Southern Railroad Co., Inc.; Louisiana & Delta Railroad, Inc.; Louisville & Indiana Railroad Company; Minnesota Prairie Line, Inc.; Montana Rail Link, Inc.; New York & Atlantic Railway Company; Pacific Harbor Line, Inc.; Palouse River & Coulee City Railroad, Inc.; Pennsylvania Southwestern Railroad, Inc.; Piedmont & Atlantic Railroad Inc.; Pittsburgh & Shawmut Railroad, Inc.; Portland & Western Railroad, Inc.; Rochester & Southern Railroad, Inc.; Rocky Mount & Western Railroad Co., Inc.; St. Lawrence & Atlantic Railroad Company; Salt Lake City Southern Railroad Company; Savannah Port Terminal Railroad, Inc.; South Buffalo Railway Company; South Kansas & Oklahoma Railroad Company; Stillwater Central Railroad; Talleyrand Terminal Railroad, Inc.; Three Notch Railroad Co., Inc.; Timber Rock Railroad, Inc.; Twin Cities & Western Railroad Company; Utah Railway Company; Willamette & Pacific Railroad, Inc.; Wiregrass Central Railroad Company, Inc.; York Railway Company; AN Railway, LLC; Atlantic and Western Railway, Limited Partnership; Bay Line Railroad, LLC; Central Midland Railway; Copper Basin Railway, Inc.; East Tennessee Railway, L.P.; Galveston Railroad, L.P.; Georgia Central Railway, L.P.; The Indiana Rail Road Company; KWT Railway, Inc.; Little Rock & Western Railway, L.P.; M & B Railroad, L.L.C.; Tomahawk Railway, Limited Partnership; Valdosta Railway, L.P.; Western Kentucky Railway, LLC; Wheeling & Lake Erie Railway Company; Wilmington Terminal Railroad, L.P.; and Yolo Shortline Railroad Company.

By a notice served on July 22, 2004, the Board notified the public that the hearing would be held on August 11, 2004. The Board asked all interested parties to submit a notice of intent to participate by July 26, 2004, and written testimony by August 3, 2004.

On July 30, 2004, the Rail Labor Division of the Transportation Trades Department AFL-CIO (RLD) and its affiliated organizations² e-filed a motion to postpone the planned hearing until August 31, 2004. RLD also requests that written testimony be due on August 24, 2004. RLD states that it and its affiliates have a substantial interest in the subject matter of this proceeding.

To ensure that all interested parties, including RLD, are given the opportunity to participate, the motion will be granted. The public hearing will be held on Tuesday, August 31, 2004, beginning at 10:00 a.m., in Room 760 (the Board's Hearing Room), at the Board's headquarters in the Mercury Building, 1925 K Street, N.W., Washington, DC.

All interested persons wishing to speak at the hearing should file with the Board a written notice of intent to participate, and should indicate a requested time allotment, if they have not already done so, as soon as possible, but no later than August 20, 2004. Each speaker should also file with the Board his/her written testimony by August 24, 2004.

It is ordered:

1. RLD's motion to postpone the public hearing in this proceeding is granted, as discussed above.

² The affiliated organizations are: American Train Dispatchers Department; Brotherhood of Locomotive Engineers and Trainmen; Brotherhood of Maintenance of Way Employees; Brotherhood of Railroad Signalmen; International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers; International Brotherhood of Electrical Workers; National Council of Firemen and Oilers SEIU; Sheet Metal Workers International Association; Transportation Communications International Union; Transport Workers Union of America.

2. This decision is effective on the date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary